

## **REMARKS**

### Objections to Specification

Appropriate correction has been made to page 5, line 5, as amended herein.

### Cancellation of Claims

Claims 3 and 5 are canceled without prejudice, waiver, or disclaimer. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

### Claim Rejections under 35 U.S.C. § 102

(a) *Soules et al.*

Claims 1-12, 15, 16, 19-23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,252,254 to Soules *et al.* With respect to the phosphor particles of claim 5, as noted by the Office Action, Soules *et al.* discloses only the first type (red-emitting phosphors) of phosphor particles being SrS:Eu<sup>2+</sup>. Soules *et al.* do not teach or suggest the first type of phosphor being the other phosphors listed in claim 5. Claim 1 has been amended to recite the following phosphor particles: CaS:Eu<sup>2+</sup>, Mn<sup>2+</sup>; (Zn,Cd)S:Ag<sup>+</sup>; Mg<sub>4</sub>GeO<sub>5.5</sub>F:Mn<sup>4+</sup>; and ZnS:Mn<sup>2+</sup>. Accordingly, claim 5 (and intervening claim 3) have been canceled.

For at least this reason, all of the features of independent claim 1 are not taught or suggested by Soules *et al.* Applicants therefore respectfully request that the rejection be withdrawn.

Because the independent claim 1 is allowable, then for at least this reason, its dependent claims 2, 4, and 6-28 are also allowable. There may be other reasons as well why the dependent claims are allowable. For example, contrary to the Office's assertion with respect to claim 12, Soules *et al.* do not teach or suggest a phosphor composition being "a conformal coating disposed on a surface of the laser diode." (Emphasis added). The passage relied on by the Office to support its rejection of claim 12 (col. 6, lines 15-21) relate to painting or coating a phosphor-containing suspension on the LED and drying it. Specifically, Soules *et al.* states:

[T]he phosphor or phosphors are combined in suitable liquid polymer system, such as polypropylene, polycarbonate, or polytetrafluoroethylene, which is

then coated or applied to the LED and dried, solidified, hardened, or cured. The liquid polymer system may optionally be UV (ultraviolet) cured or room temperature cured, to minimize any heat damage to the LED. The clear polymer lens 16 made of suitable plastic such as polycarbonate or other rigid transparent plastic is then molded over the coated LED.

*Soules et al.* at col. 6, lines 21. No where do *Soules et al.* teach or suggest that the coating be conformal. As noted in the instant specification at page 10, lines 23-24, "The conformal coating is a coating having uniform thickness...." The above passage of *Soules et al.* is directed to the way in which the phosphor coating is made, but does not require that the coating have a uniform thickness. Thus, for at least this reason as well, *Soules et al.* do not teach or suggest all of the features of claim 12.

Applicants therefore respectfully request that the rejection of the dependent claims be withdrawn as well.

Claims 29-31 have been newly added. It is believed that there is no new subject matter in newly added claims 29-31. Because each of claims 29-31 recite features not taught or suggested by *Soules et al.*, Applicants respectfully submit that these claims are also allowable.

(b) *Duggal et al.*

Claims 1, 2, 13, 14, 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,294,800 to Duggal et al. Claim 1 has been amended to recite features that are not taught or suggested by *Duggal et al.* (i.e., the subject matter of former claims 3 and 5, which have not been rejected under *Duggal et al.*). Applicants therefore respectfully request that the rejection be withdrawn.

Because the independent claim 1 is allowable, then for at least this reason, its dependent claims 2, 13, 14, and 25-27 are also allowable. There may be other reasons as well why the dependent claims are allowable. Applicants therefore respectfully request that the rejection of these claims be withdrawn as well.

Claims 29-31 have been newly added. It is believed that there is no new subject matter in newly added claims 29-31. Because each of claims 29-31 recite features not taught or suggested by *Soules et al.*, Applicants respectfully submit that these claims are also allowable.

Claim Rejections under 35 U.S.C. § 103

(a) Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the '254 patent and further in view of U.S. Patent 6,391,504 to Tai, et al.

Because the independent claim 1 is allowable for the reasons stated above, then for at least this reason, its dependent claim 17 is also allowable. There may be other reasons as well why dependent claim 17 is allowable over the cited art. Applicants therefore respectfully request that the rejection of claim 17 be withdrawn.

(b) Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the "'254 patent" and further in view of U.S. Patent 6,654,079 to Bechtel et al.

Because the independent claim 1 is allowable for the reasons stated above, then for at least this reason, its dependent claim 18 is also allowable. There may be other reasons as well why dependent claim 18 is allowable over the cited art. Applicants therefore respectfully request that the rejection of claim 18 be withdrawn.

(c) Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the "'254 patent" and further in view of U.S. Patent Application Publication 2005/0188697 to Brunner et al. Applicants respectfully traverse the rejection. *Brunner et al.* was filed on December 29, 2003, which is after the filing date of the instant application.

Moreover, *Brunner et al.* is a continuation of a PCT patent application PCT/DE02/01514. Assuming *arguendo* that the PCT patent application (filed on April 25, 2002) designated the United States and was published in English, the PCT patent application would not have been published until October 25, 2003. Because the publication date of the priority document of *Brunner et al.* is after the filing date of the instant application, *Brunner et al.* could not be properly used as a reference under 35 USC 102(e), which bars its use under 35 USC 103(a) as well.

(d) Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over the "'254 patent" and further in view of U.S. Patent 6,490,309 to Okazaki et al.

Because the independent claim 1 is allowable for the reasons stated above, then for at least this reason, its dependent claim 28 is also allowable. There may be other reasons as well why dependent claim 28 is allowable over the cited art. Applicants therefore respectfully request that the rejection of claim 28 be withdrawn.

Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-2, 4, and 6-31 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

  
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